



# House of Representatives

General Assembly

**File No. 531**

February Session, 2018

Substitute House Bill No. 5248

*House of Representatives, April 17, 2018*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2018*) (a) A person is guilty of
- 2 aggravated assault of a public transit employee when such person (1)
- 3 commits assault of a person who is a public transit employee, as
- 4 provided in section 53a-167c of the general statutes, and (2) in the
- 5 commission of such offense, such person uses or is armed with and
- 6 threatens the use of, or displays or represents by such person's words
- 7 or conduct, that such person possesses a knife or box-cutter, or a pistol,
- 8 revolver, shotgun, rifle, machine gun or other firearm.
- 9 (b) Aggravated assault of a public transit employee is a class C
- 10 felony, except that such person shall be fined not more than twenty
- 11 thousand dollars.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>October 1, 2018</i>	New section
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**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 19 \$</b>	<b>FY 20 \$</b>
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill creates a new offense of aggravated assault on specified groups of victims. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****sHB 5248*****AN ACT CONCERNING AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE.*****SUMMARY**

By law, assault of a public transit employee is a class C felony, punishable by up to ten years in prison, up to a \$ 10,000 fine, or both (CGS § 53a-167c). This bill creates a specific class C felony offense with a maximum fine of \$ 20,000 for aggravated assault of a public transit employee.

Under the bill, a person commits aggravated assault of a public transit employee when he or she assaults a reasonably identifiable public transit employee, with the intent of preventing the employee from performing his or her duties, and in doing so uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she has, a knife, box-cutter, or firearm.

EFFECTIVE DATE: October 1, 2018

**BACKGROUND*****Public Transit Employee***

By law, a public transit employee is someone (1) employed by the state, a political subdivision, or transit district or (2) under a contract with the transportation commissioner to provide transportation services, who (1) operates a vehicle or vessel for public ferry or fixed route bus service or has duties directly related to operating the vehicle or vessel or (2) is a train operator, conductor, inspector, signal person, or station agent for public rail service (CGS § 53a-167c).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 2 (04/02/2018)